(110)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: **Hon'ble Shri Jagdish Bhalla, Ag Chief Justice.**

Writ Petition (C) No. 4568/2007

PETITIONER Ghumman Das Gehani, S/o. Sirumal Gehani, Aged about 70 years, R/o. Bhatapara, Tahsil Bhatapara, District Raipur Chhattisgarh

Versus

RESPONDENTS

1. Phoolmat Wd/o. Pilalal Satnami, Aged about 65 years, R/o. Sant Kawar Ram Ward, Bhatapara, Police Station Bhatapara, District Raipur Chhattisgarh

2. State of Chhattisgrah, Through : Collector, Raipur District Raipur Chhattisgarh

Writ Petition under Article 227 of Constitution of India

Present: Shri Manoj Paranjape, counsel for the petitioner.

ORAL ORDER
(Passed on 06th August, 2007)

The petitioner is defendant in a suit for declaration of title and for permanent injunction, which was filed before learned Civil Judge, Class II, Bhatapara in which temporary injunction was granted by an order dated 26.04.2007. Aggrieved by the said order the defendant filed an appeal before the Additional District Judge, Bhatapara, who dismissed the appeal by an order dated 10.07.2007, against which the petitioner has filed the present petition.

It has been contended on behalf of the petitioner that no finding has been recorded by the trial Court while granting temporary injunction in favour of the plaintiff. Similarly, learned counsel for the petitioner further submits that the appellate Court has also failed to record findings with respect to possession of the plaintiff over the suit land.

I am of the considered opinion that the trial Court should refrain from recording any finding at the time of granting temporary injunction, which may otherwise affect the trial. Accordingly, there is no illegality in the order of Trial Court.

I do not find any ground to show interference in the temporary injunction issued by the trial court. However, as prayed on behalf of the petitioner the suit proceedings be expedited. Interest of justice would suffice if the matter is disposed of at an early date i.e. within a period of six months.

With the above observation, the petition stands disposed of.

Sd/-
Acting Chief Justice

padma